

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THOMAS DENTON

Plaintiff,

v.

FRED FOGUEROG, *et al.*,

Defendants.

Case No. C10-5093RJB/JRC

REPORT AND RECOMMENDATION

**NOTED FOR:**

October 15, 2010

This Civil Rights Action filed pursuant to 42 U.S.C. § 1983 has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge's Rules MJR 1, MJR 3, and MJR 4.

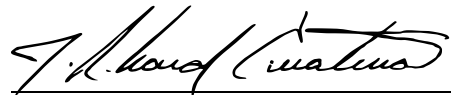
Plaintiff has paid the full filing fee and is not proceeding in forma pauperis. He now asks to dismiss this action without prejudice (Dkt. # 18). The action has not been served and no defendant has appeared.

Fed. R. Civ. P. 41 (a) (1) (A) controls. Plaintiff has an absolute right to dismiss this action at this stage of litigation -- one time. While the rule states that no court order is needed, an order should be entered so the file properly reflects this matter is closed and the dismissal is without prejudice.

REPORT AND RECOMMENDATION- 1

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on October 15, 2010, as noted in the caption.

Dated this 20<sup>th</sup> day of September, 2010.

A handwritten signature in black ink, appearing to read "J. Richard Creatura", written over a horizontal line.

J. Richard Creatura  
United States Magistrate Judge